

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**DAVID EDGAR WONNACOTT,**

Plaintiff,

v.

No. 2:17-cv-02007-JR

**OREGON DEPARTMENT OF  
CORRECTIONS, et al.,**

OPINION AND ORDER

Defendants.

**MOSMAN, J.,**

On May 27, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 88]. Judge Russo recommended that I grant Defendants' Motion for Summary Judgment [ECF 71] and dismiss this case. No objections were filed. In fact, after the F. & R. was issued, Plaintiff David Edgar Wonnacott filed two motions requesting dismissal of his case. [ECF 90, 92]. Upon review, I ADOPT Judge Russo's F. & R. [ECF 88], GRANT Defendant's Motion for Summary Judgment [ECF 71], and GRANT Plaintiff's Motions to Dismiss [ECF 90, 92].

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to


make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Russo's findings and recommendation, and I ADOPT the F. & R. [ECF 88] as my own opinion. I GRANT Defendants' Motion for Summary Judgment [ECF 71]. Additionally, I GRANT Plaintiff's Motions to Dismiss [ECF 90, 92]. I DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of July, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge